

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: ) In Proceedings  
          ) Under Chapter 13  
David A. Segobiano and )  
Joanna L. White ) Case No.19-11110  
Debtor(s). ) Honorable Judge David D. Cleary

**NOTICE OF MOTION**

To: David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090, davidsiegelbk@gmail.com via electronic notification;

Marilyn O Marshall, 224 South Michigan Ste 800, Chicago, IL 60604, via electronic notification;

Patrick S Layng, 219 S Dearborn St, Room 873, Chicago, IL 60604, via electronic notification;

David A. Segobiano and Joanna L. White Debtors, 3053 N Oleander Ave, Chicago, IL 60707 via US Mail.

PLEASE TAKE NOTICE that on September 14, 2020 at 1:30 P.M., I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present the motion of Capital One Auto Finance, a division of Capital One, N.A. for Relief from the Automatic Stay, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.Court-Solutions.com](http://www.Court-Solutions.com) or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Capital One Auto Finance, a division of Capital One, N.A.

*By: Jennifer Rinn*  
Rinn Richman Law  
P.O. Box 465  
Chicago, IL 60690  
Phone: (586) 899-5086

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Electronic Court Notification or by depositing the same postage prepaid, in the U.S. Mail on September 01, 2020.

Respectfully submitted,  
Rinn Richman Law

/s/ *Gloria Yeager*  
Gloria Yeager

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**MOTION FOR RELIEF FROM STAY**

NOW COMES Capital One Auto Finance, a division of Capital One, N.A., by and through its undersigned attorney, and as for its Motion for Relief from Stay, states as follows:

1. Capital One Auto Finance, a division of Capital One, N.A. is a creditor of the Debtors and is seeking relief pursuant to 11 U.S.C. § 362.
2. On September 11, 2015, Debtor David A. Segobiano executed a Motor Vehicle Retail Installment Sales Contract for an interest in one, 2008 HONDA Odyssey-V6 Wagon 5D Touring DVD Nav, VIN 5FNRL38908B070873 ("Contract"). A true and correct copy of the Contract is attached hereto as Exhibit "A".
3. Capital One Auto Finance, a division of Capital One, N.A. has a properly perfected interest in the Collateral, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle. A true and correct copy of the Certificate of Title is attached hereto as Exhibit "B".
4. On April 17, 2019, the Debtors filed a voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code.
5. As of August 30, 2020, the total debt owed to Capital One Auto Finance, a division of Capital One, N.A. was \$1,819.42. Movant alleges the value of said motor vehicle is approximately \$7,675.00 pursuant to a N.A.D.A. Valuation attached hereto as Exhibit "C".
6. Debtors are in default in the post-petition amount of \$1,034.64. There is no pre-petition arrearage. The last payment was received on July 08, 2020. A copy of the payment history is attached as Exhibit "D".

7. This motor vehicle is not necessary for the Debtors' effective reorganization.
8. Debtors have not tendered proof of insurance to Movant.
9. Capital One Auto Finance, a division of Capital One, N.A.'s collateral is a rapidly depreciating asset.
10. Movant's collateral is rapidly depreciating, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Capital One Auto Finance, a division of Capital One, N.A. prays this Honorable Court for the entry of an order modifying the automatic stay pursuant to 11 U.S.C. § 362 so as to allow Capital One Auto Finance, a division of Capital One, N.A. to take possession of one 2008 HONDA Odyssey-V6 Wagon 5D Touring DVD Nav, VIN 5FNRL38908B070873, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and thus Capital One Auto Finance, a division of Capital One, N.A. may immediately enforce and implement the Order Modifying the Automatic Stay and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Jennifer Rinn

Jennifer Rinn  
Rinn Richman Law  
P.O. Box 465  
Chicago, IL 60690  
Phone: (586) 899-5086  
[jennifer@rinnrichmanlaw.com](mailto:jennifer@rinnrichmanlaw.com)